

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 25, 2010

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, P.J., Rothschild, J., Chaney, J., Johnson, J. and S. Stahl and B. Fisher,
Deputy Clerks.

Each of the following:

B209881 People v. Wise
B211185 People v. Maldonado
B212821 People v. Holt
B214343 People v. Groen
B214939 People v. Humphrey
B215079 People v. Arriano
B215176 People v. Silva
B215271 DCFS v. Michelle G.
B216018 People v. Castellanos
B217332 People v. Brian G.
B218441 People v. Williams
B218507 People v. Hernandez
B219322 DCFS v. Candace K.
B220054 DCFS v. Fauricio R.

Argument waived, cause submitted.

B219801 In re Arthur Martinez
B218182 on
Habeas Corpus

Appearances:

Ryan Schneider, Deputy Attorney General, for appellant and by Rich
Pfeiffer for respondent. Argument waived and submitted.

DIVISION ONE (continued)

B208701 People
 v.
 Binns

Merits:

Argued by Diane E. Berley for appellant and by Jonathan J. Kline, Deputy Attorney General for respondent. Cause submitted.

B217588 In re Marriage of Cadwallader
 Fontes
 v.
 Cadwallader

Merits:

Argued by Leonor Fontes, appellant in propria persona and by Robert Steinberg for respondent. Cause submitted.

B218144 Greene
 v.
 Kelly Services, Inc.

Merits:

Argued by Angela Mullins for respondent and no appearance by appellant. Cause submitted.

B213724 Padilla
 v.
 Thomas

Merits:

Argued by Matthew Stoll for appellant and by Bradley R. Blamires for respondent. Cause submitted.

DIVISION ONE (continued)

B212279 Macias
 v.
 County of Los Angeles

Merits:
Argued by Vicki I. Sarmiento for appellant and by Adrian G. Gragas for respondents. Cause submitted.

B218187 Deneal
 v.
 Bank of the West

Merits:
Argued by James H. Deneal, appellant in propria persona and by James T. Reed, Jr. for respondent. Cause submitted.

Johnson, J. leaves the bench.

B216084 Los Angeles County, D.C.F.S.
 v.
 Marisa C. & Salvador Y.

Merits:
Argued by Andrea R. St. Julian for appellant Salvador Y., by Donna B. Kaiser for appellant Marisa C. and by Jeanette Cauble, Deputy County Counsel for respondent. Cause submitted.

Court recesses.

Court reconvened at 10:38 a.m.

Present: Mallano, P.J., Chaney, J., Johnson, J. and S. Stahl and B. Fisher, Deputy Clerks.

B220858 In re Thomas Reese on Habeas Corpus

Merits:
Argued by Richard D. Pfeiffer for petitioner and by Steven G. Warner, Deputy Attorney General, for respondent. Cause submitted.

DIVISION ONE (continued)

B217345 People
v.
Johnson

Merits:
Argued by Roberta Simon for appellant and by John Yang, Deputy Attorney General for respondent. Cause submitted.

B218741 Los Angeles County, D.C.F.S.
v.
Aaron O.

Merits:
Argued by Andre F. Toscano for appellant and by Byron G. Shibata,
Deputy County Counsel for respondent. Cause submitted.

B208401 Decena, et al.
v.
Pacific Specialty Insurance Co.

Merits:
Argued by Michelle L. Burton for appellant and by Jeffrey Isaac Ehrlich for respondents. Cause submitted.

Court adjourned.

B216921 People (Not for Publication)
v.
Gilchrist

The appeal is dismissed.

Mallano, P.J.

We concur: Rothschild, J.
 Chaney, J.

DIVISION TWO

B213687 Salvador Garibay (Not for Publication)
 v.
 Callery/Conway/Mars HV, Inc.

The judgment is reversed. Plaintiff is entitled to costs on appeal.

Boren, P.J.

We concur: Doi Todd, J.
 Chavez, J.

B219987 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Susie Y.

The orders under review are affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

B216483 People (Not for Publication)
 v.
 Ortega

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

May 25, 2010 (Continued)

DIVISION TWO (continued)

[illegible]

The order of wardship is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Chavez, J.

B212259 People (Not for Publication)
v.
Molina

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Chavez, J.

B208045 Ross
v.
Ross

Filed order denying petition for rehearing.

B212907 Levitt
v.
Ross

Filed order modifying opinion. (No change in the judgment)

DIVISION THREE

B204015 Ladd, Jr., et al. (Certified for Partial Publication)
v.
Warner Bros., Entertainment, Inc.

The orders denying Warner's motions for JNOV are affirmed. The orders granting nonsuit on Ladd's Blade Runner and screen credits/logo claims are reversed and the matter is remanded for a retrial of those claims. In all other respects, the judgment is affirmed. Ladd shall recover costs on the appeal and cross-appeal.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B217398 Barragan (Certified for Publication)
v.
County of Los Angeles

The order denying relief from the TCA filing requirements is reversed and the matter is remanded with directions to enter a new and different order granting relief. Barragan shall recover her costs on appeal.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

B212766 Garber
v.
Superior Court, Los Angeles County
(The People, r.p.i.)

Filed order modifying opinion. (Change in judgment)

May 25, 2010 (Continued)

DIVISION THREE (continued)

B222280	Sulzer Pumps (US) Inc.
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V.

Superior Court, Los Angeles County
(Pacific Indemnity Company, et al., r.p.i.)

Filed order modifying opinion. (Change in judgment)

B209201 Rossco Holdings Incorporated, et al.

v.

Bank of America, NT & SA, et al.

Filed order denying petition for rehearing.

DIVISION FOUR

B221509 People (Not for Publication)

V.

Clinton H.

The judgment is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

B217700 People (Not for Publication)

V.

Terrance L.

The order of wardship is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

DIVISION FOUR (continued)

B217350 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Joshua P.

The order sustaining count b-2 of the amended petition pursuant to section 300, subdivision (b) is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
 Manella, J.

B212922 People (Not for Publication)
v.
Deandre Dupois and Melvin Rice

The judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
 Willhite, J.

DIVISION FIVE

B221430 Los Angeles County, D.C.F.S. (Not for Publication)
v.
A.N.

The judgment is reversed. The remittitur is to issue forthwith.

Turner, P.J.

We concur: Kriegler, J.
 Ferns, J. (Assigned)

DIVISION FIVE (continued)

B223807 Marc Ewing (Not for Publication)

v.

Superior Court, Los Angeles County
(Fidelity National Title Co., r.p.i.)

The mandate petition is granted. Upon remittitur issuance, the respondent court is to set aside its order finding the section 170.6 peremptory disqualification motion was untimely. The respondent court is to then issue a new order finding the section 170.6 peremptory disqualification motion to be timely. No costs are awarded in this proceeding.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

B222626 People (Not for Publication)

v.

William Fuentes

The appeal is dismissed.

Turner, P.J.

We concur: Kriegler, J.
 Ferns, J. (Assigned)

B219228 In re Darryl Scott (Not for Publication)

on

Habeas Corpus

The judgment is reversed.

Turner, P.J.

I concur: Kriegler, J.
I concur: Mosk, J. (opinion)

DIVISION FIVE (continued)

B209562 STF Equity Fund, et al. (Not for Publication)
v.
Professional Interactive Entertainment, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, Acting P.J.

We concur: Mosk, J.
Weisman, J. (Assigned)

B222104 G.A. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Dept. of Children and Family Services, r.p.i.)

The petition for extraordinary relief is denied.

Armstrong, Acting P.J.

We concur: Mosk, J.
Ferns, J. (Assigned)

B213097 People (Certified for Partial Publication)
v.
Richard Mario Ramirez

The section 12022.55 enhancement is reversed and dismissed. The judgment is affirmed in all other respects. The superior court clerk is to prepare an amended abstract of judgment and forward it to the Department of Corrections and Rehabilitation.

Turner, P.J.

We concur: Mosk, J.
Kriegler, J.

May 25, 2010 (Continued)

DIVISION FIVE (continued)

B215344 People (Not for Publication)
v.
Anthony Brandon Hislar

The cause is remanded to the trial court with directions to impose a five-year enhancement for both Penal Code section 667, subdivision (a) prior convictions as to each count in which an indeterminate sentence was imposed under the three strikes law. In all other respects, the judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.
Mosk, J.

B212718 Glendale Redevelopment Agency (Not for Publication)
v.
County of Los Angeles

The judgment is reversed. Appellant(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J. (with opinion)

DIVISION SIX

B215915 People (Not for Publication)
v.
George Christian Costales

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

May 25, 2010 (Continued)

DIVISION SIX (continued)

B209599 Lancashire (Not for Publication)
 v.
 Lancashire

The judgment is affirmed. Costs on appeal are awarded to Husband.

Yegan, Acting P.J.

We concur: Coffee, J.
 Perren, J.

B212972 Santa Barbara Beach Club
 v.
 Freeman, et al.

Filed order denying petition for rehearing.

DIVISION SEVEN

B211382 People (Not for Publication)
 v.
 Brunelle

The judgment is affirmed.

Jackson, J.

We concur: Perluss, P.J.
 Zelon, J.

DIVISION EIGHT

B214649 Los Angeles County Fire Dept. (Certified for Publication)

v.

Workers Compensation Appeals Board

Norton

The award of maintenance allowance at \$246 per week from September 27, 2006, to August 28, 2007, is affirmed. The remainder of the maintenance allowance is reversed. The matter is remanded to the WCAB for further proceedings consistent with this opinion. The parties are to bear their own costs.

Flier, J.

We concur: Bigelow, P.J.

Rubin, J.

B214382 People (Not for Publication)

v.

Roy Rios Alvarez

The judgment is affirmed. The clerk of the superior court is ordered to correct the abstract of judgment to reflect that Alvarez's sentence on count two was imposed to run concurrently with the sentence on count one, and to forward the corrected abstract to the Department of Corrections and Rehabilitation.

Grimes, J.

We concur: Bigelow, P.J.

Flier, J.